

VOTING

IT'S YOUR CHOICE

**Everything (or most of it) you need to
know about voting but were afraid to ask**

- Teacher Materials •
- Student Handout •

February 13, 2006

TEACHER MATERIALS

OVERVIEW AND INTRODUCTION

These materials are intended to provide high school seniors a simple and short classroom exercise to complement the distribution to students of forms to register to vote. This is NOT intended to be a comprehensive lesson plan, but to instead provide a focused opportunity for short discussion.

- ▶ **THE TOP 10 QUESTIONS:** Photocopy and hand out to students. Students answer 10 quick questions about the requirements for voting, and these requirements provide points of discussion concerning the history of voting rights. Teacher Materials include background information about voting rights.
- ▶ **WHY OR WHY NOT:** In addition, students can be asked to construct two lists: one of reasons why people don't register and vote; the other of reasons why people should register and vote. These lists also form the basis for discussion and debate about whether to register and vote.
- ▶ **EXTRA CREDIT ACTIVITIES:** A few suggestions for activities students can undertake to promote greater opportunity to register to vote.

It is important to recognize that neither voting, nor registering to vote, are mandatory --- these are choices voters each of us makes. The purpose of this classroom lesson is to provide information and a basis for discussion that encourages students to make their choice whether to register to vote or not based on some knowledge about the history of voting rights.

These materials are provided by the Secretary of State as part of a program to renew and strengthen participation in the election process in young voters.

More information is available on the Secretary of State's web site (www.ss.ca.gov) or by calling the Voter Education Unit at 916/653-3228.

THE TOP TEN QUESTIONS ABOUT VOTING AND REGISTRATION

1. WHO CAN VOTE? (In order to vote, you have to meet certain qualifications. Check all the ones below that you think are required.)

___ You have to be a certain age at the time of the election.

___ No age requirement

___ 16

___ 18

___ 21

___ 25

___ You have to be a citizen of the United States.

___ You have to be male.

___ You can only vote if you are Caucasian.

___ You have to own property.

___ You have to have lived in California for 1 year.

___ You have to speak English.

___ You have to be able to read and write.

___ You have to be registered to vote.

___ You have to provide a driver's license or social security number?

___ You have to be a taxpayer.

2. HOW DO I REGISTER TO VOTE?

___ My parents can do it for me.

___ It happens automatically when I turn 18.

___ I can get a form at most libraries and post offices.

___ I can get a form by calling 1-800-345-VOTE

___ I can fill out a form on the Internet (www.ss.ca.gov)

3. DO I HAVE TO FILL OUT A NEW FORM AND RE-REGISTER IF I MOVE TO A NEW ADDRESS?

___ Yes

___ Yes, but I can also use a “Change of address form” at DMV to update my registration.

___ Yes, but if I move to a new address in the same county, I can still vote and update my address at the polling place on election day.

4. IN ORDER TO VOTE IN AN ELECTION, YOU HAVE TO REGISTER:

___ 2 months before the election

___ 29 days before the election

___ 15 days before the election

___ You can register any time, up to and including the day of the election

5. DOES IT COST ANYTHING TO REGISTER TO VOTE?

___ Yes, there is a small fee to pay for processing.

___ No, just the cost of the stamp to mail in the form.

___ No -- no cost at all --- even the postage is free.

6. HOW DO I FIND WHERE TO VOTE? (True or False)

___ The county election official will mail me that information before each election.

___ Each polling place has searchlights on election day.

___ I can go to any polling place in my county, not just the one in my neighborhood.

7. I HAVE NEVER VOTED BEFORE AND I DON'T KNOW HOW TO USE THE EQUIPMENT. HOW CAN I LEARN?
(Check all that apply)

- ☐ The county election office will send me a “sample ballot” or “voter information guide” that shows me how to vote.
- ☐ The League of Women Voters has a web site (www.smartvoter.org) with information on how to vote.
- ☐ There will be someone at the polling place who will show me how if I want them to.
- ☐ I can ask my teacher to arrange for the county elections official to come to our class and show us how to use the voting equipment.

8. DO I HAVE TO VOTE AT A POLLING PLACE? WHAT IF I'M TOO BUSY?

- ☐ I can “vote by mail”. The county will send me an application for an “absentee ballot” before every election.
- ☐ I can apply to be a “permanent absentee voter” so that I receive a vote-by-mail ballot automatically for every election.
- ☐ I can vote on the Internet.

9. HOW DO I FIND OUT ABOUT CANDIDATES AND ISSUES?
(Check all that apply)

- ☐ The county election official will mail me some information before every election.
- ☐ The Secretary of State will mail me information on state ballot measures.
- ☐ Some groups, like the League of Women Voters, provide information on their web sites (www.smartvoter.org)
- ☐ The candidates will send me information in the mail.
- ☐ The newspapers and TV news.
- ☐ Family and friends

10. WHO DECIDES? (True or False)

- ___ About the same percentage of young people (18 – 24 years old) vote as do older persons (55 – 70 years old).
- ___ When voting for president, whichever candidate gets the most votes always wins.
- ___ A person could become Governor by only winning 35% of the vote

WHY OR WHY NOT

LIST 5 REASONS YOU THINK YOUNG PEOPLE DON'T VOTE

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

LIST 5 REASONS WHY YOU THINK YOUNG PEOPLE SHOULD VOTE

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

EXTRA CREDITACTIVITIES

1. FIND OUT WHO YOUR COUNTY ELECTION OFFICIAL IS, WHERE THE OFFICE IS, THE CONTACT INFORMATION, AND WHAT INFORMATION THEY CAN PROVIDE TO VOTERS. OBTAIN THE SAME INFORMATION FOR THE SECRETARY OF STATE.
2. MAKE SURE THERE ARE FORMS TO REGISTER TO VOTE IN THE SCHOOL OFFICE, FOR STUDENTS AND PARENTS.
3. REGISTER 5 PERSONS (PARENTS, RELATIVES, AND FRIENDS).
4. FIND OUT WHO IS ON YOUR SCHOOL BOARD, CITY COUNCIL, AND COUNTY BOARD OF SUPERVISOR. WHEN DO THEY MEET AND WHERE? GET COPY OF THE AGENDA FOR THE NEXT MEETING FOR EACH AND IDENTIFY ANY ISSUES THAT MIGHT BE OF INTEREST TO THE CLASS.

BACKGROUND INFORMATION ON THE TOP 10 QUESTIONS

1. WHO CAN VOTE?

In order to vote in California, the law requires that you be a United States citizen, a resident of the state, at least 18 years of age, not in prison or on parole for the conviction of a felony, and not judged by a court to be mentally incompetent.

Much of the information below is taken from “the History of California Election Law” by Edward H. Gaylord and “California Election Law During the Sixties and the Seventies: Liberalization and Centralization” by Bruce C. Bolinger.

18 Years of Age

- The 26th amendment to the United States Constitution was ratified by the states in July of 1971. Prior to this time you had to be at least 21 years of age in order to vote. The California legislature approved a resolution in 1971 to make California the 20th state to ratify the 26th amendment, and also placed Proposition 7 on the November 1972 ballot to place the lower age limit in the California Constitution (it was approved by 68% of the voters). This amendment does not prohibit states from lowering the voting age below 18 years of age. Interestingly, there were proposals in the Legislature as far back as 1949 to lower the voting age, but all failed due to concern that it would open the door to also lower the drinking age.
- You do not have to actually be 18 years of age to register to vote --- you can register as long as your 18th birthday is on or before the next election.
- Some states permit 17 year olds to vote in “primary” elections (elections where candidates are “nominated”, not “elected” if the voter will be 18 by the time of the “general” election where office holders are actually elected. This is based on the determination that a person ought to be able to vote to nominate a candidate he or she is eligible to vote for in a general election. This is not the case currently in California.
- Recently legislation was introduced in California to permit persons who are as young as 14 to also vote --- though their vote would only be worth $\frac{1}{4}$ to $\frac{1}{2}$ the vote of someone over 18 years of age.

Citizenship

- The 15th amendment to the United States Constitution, ratified by the states in 1870, states that all citizens, regardless of race, color, or previous condition of servitude, have the right to vote.
- Similarly, Section 2 of Article II of the California Constitution states that: “A United States citizen 18 years of age and resident in this state may vote.”
- Interestingly, in the late 1800’s 22 states and territories permitted “permanent resident aliens” to vote. This was reduced to about a dozen by the turn of the 20th century, and to zero by 1920. California never permitted non-citizens to vote.

Gender

- The 19th Amendment to the United States Constitution was ratified by the states in 1920. The California Legislature, at a special session, ratified the measure on November 3, 1919.
- The California Constitution of 1879 was adopted after a good deal of debate on many topics, one of which was women’s right to vote. Some suggested that if women were able to vote, they could also run for office, and this would result in their being accused of “immorality.” Others indicated that it was men who defended the country and should thereby have the right to vote. In order to acknowledge that some women were property owners, and thereby had a vested interest in governance, it was suggested that an unmarried woman with property worth \$1,000 or more, or a married woman with property worth \$2,000 or more, be allowed to vote. In the end, the Constitution as adopted limited voting to men.
- In 1911 the Legislature placed Proposition 4 on the ballot as an amendment to the California Constitution to permit women to vote. This was narrowly (50.7% voting for it, 47.3% voting no) adopted by the voters.

Racial Qualifications

- The California Constitution of 1849 prohibited slavery in the new state. However, Section 1 of Article II also stated that: “Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States ... shall be entitled to vote at all elections ...” The Political Code, adopted in 1872, omitted the word “white” from the requirements for qualification as a voter (possibly in response to the adoption of the 15th Amendment to the United States Constitution prohibiting denial of the right to vote based on race or color).
- Reports from the constitutional convention indicate that there was general agreement that “... members of the uncivilized tribes, called wild Indians, should not vote” but that “those Indians who lived as the white man and paid taxes should be

allowed to do so.” Section 1 of Article II of the California Constitution therefore included the provision that the Legislature, by a 2/3 vote, could extend the right to vote to “Indians.”

- At the 1879 Constitutional Convention, language was adopted stating that: “... no native of China shall vote at any election.”

Residency

- Section 1 of Article II of the 1849 Constitution required that a person have been a resident of California at least 6 months, and a resident of his voting jurisdiction, for at least 30 days, in order to be eligible to vote. A judge at the time commented that: “Residence in the state for six months preceding any given election was required so that citizens, even, should not deal with public questions through the ballot box until they at least had had the benefit of an opportunity to learn the public wants, of concerting measures the best calculated to provide for them, and of selecting proper men to carry those measures into effect: and residence in given localities within the state for thirty days next preceding any election appointed by law was prescribed so that the voter, in the interval, might attain to some just understanding of local interests.”
- In the 1879 amendments to the California Constitution the residency requirement for voting was extended to one year in the state. In addition, voters had to sign an oath when they registered to vote that they lived in the county for 90 days and 54 days in the “precinct” (where they vote).
- In 1970, the US Congress amended the Voting Rights Act to require that anyone qualified to vote for president be allowed to do so up to 30 days before a presidential election. This new deadline was upheld by the US Supreme Court (Oregon v. Mitchell) also in 1970.
- Proposition 7 on the ballot in November of 1972 deleted the residency requirement for voting. A person only had to be a resident of California when he or she registered to vote.
- Until recently, in order to vote in an election you had to register a minimum of 29 days before that election. This, however, was changed in 2000 to be only 15 days before an election.

English Language and Literacy

- When the California Constitution was adopted in 1849, there was no requirement that a person speak, read, or write English. In part this reflected the strong Mexican influence in early California.
- In 1894 the Constitution was amended to state that: “no person who shall not be able to read the Constitution in the English language and write his name, shall ever

exercise the privileges of an elector in this state ...” This addition appears to have been in response to anti-Chinese sentiment of the time.

- Even into the 1960’s, the voter registration form included a statement that the voter was able to read the Constitution in English, and any voter could be challenged at the polling place and required to demonstrate his or her English language proficiency by reading “any consecutive 100 words of the Constitution.”
- In 1962, California was one of only 19 states that required voters to be proficient in English in order to vote.
- In 1970, in Castro v. State of California, the court decided that literacy in English as a requirement for voting violated the “equal protection” clause of the 14th Amendment to the United States Constitution. The argument for English literacy was that it was necessary to inform voters of who and what to vote for, but the petitioners in the case argued that Spanish-speaking voters could get the same information by reading materials in Spanish.
- In 1979, the US Congress amended the Voting Rights Act to prohibit the use of literacy tests and this was upheld by the US Supreme Court in Oregon v. Mitchell.
- In 1972 the Legislature placed Proposition 7 on the ballot to delete the literacy requirement for voting. It was approved by 68% of the voters. However, it was not until 1975 that the Elections Code sections related to literacy requirements were repealed.
- The California Constitution of 1849 included the statement that: “all laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.” This was deleted when the constitution was revised in 1879.
- The federal Voting Rights Act was amended in 1975 to require the provision of election materials in languages other than English if a county had a certain threshold of non-English speakers. At that time, this meant that some counties had to provide materials to voters in Spanish as well as English. Today, Los Angeles County provides election materials to voters in Spanish, Chinese, Vietnamese, Japanese, Tagalog, and Korean.

Registration

- There was no requirement that anyone register in order to vote when the California Constitution was first adopted in 1849. Of course, back then, a ballot was a piece of paper the voter brought to the polling place and on which he wrote the name of the candidate(s) he wanted to vote for.

- In 1866 the Legislature enacted the “Registry Act” requiring voters to register to vote. The book of names of persons eligible to vote was known as “The Great Register” and some county courthouses still retain these books.
- At the Constitutional Convention of 1879 it was proposed that the requirement for voter registration be placed in the constitution. This was defeated, but the requirement remained in the Political Code.
- As late as 1968, California was one of 33 states with a one-year residency requirement to register to vote in the state. Until 1972 the last day to register to vote for an election was 54 days prior to the election. This changed because in 1970 the US Supreme Court indicated that a state could not require a “durational residency” of greater than 30 days in order to register to vote. Since 30 days before a Tuesday is always a Sunday, the Legislature placed Proposition 7 on the November 1972 ballot and approved SB 840 to make the last day to register to vote 29 days before an election --- a Monday.
- In 2000, the deadline for voters to register to vote was shortened to 15 days before an election.

Driver’s License

- In 2002, in response to the problems with elections in Florida and elsewhere in the 2000 Presidential election, Congress enacted the “Help America Vote Act.” One of the provisions of this bill is to require that: “Notwithstanding any other provision of law, an application for voter registration for an election for federal office may not be accepted or processed unless the applicant includes ... a driver’s license number or ... the last 4 digits of the applicant’s social security number.”

2. HOW DO I REGISTER TO VOTE?

- To register to vote a person has to complete a form to register to vote, and return it (it is postage paid) to the election official before the deadline for registrations (see above). The form must be completely filled out and be legible to ensure registration.
- Forms are available at many public locations, but it may be simplest to call the county elections official to request a form or to find the nearest location for a form. A listing of these contact numbers can be found at www.ss.ca.gov/elections/elections_d. You can also obtain a form by calling toll-free 1-800-345-8683 or go to the Secretary of State’s web site www.ss.ca.gov/elections/elections_vr.

3. RE-REGISTERING IF YOU MOVE

- You should re-register to vote whenever you change address. This will ensure that you continue to receive your “sample ballot/voter information guide”, and the state ballot pamphlet for each election.
- You can use a “change of address form at DMV to request that your registration be updated to a new address --- if you have moved to a new address in the same county. If you move to a new county, you must complete a new registration form.
- If you move to a new address in the SAME COUNTY you can still vote. You will have to call your county election official to find out where your polling place is, and you will be required to vote a “provisional” ballot. This ballot will be exactly the same as a regular ballot, but you will provide information that will enable the election official to check your eligibility.

4. IN ORDER TO VOTE IN AN ELECTION, YOU HAVE TO REGISTER

- It is very important that your registration be received before the deadline. Under current law, the last day to register to vote is the 15th day (a Monday) before the election.

5. DOES IT COST ANYTHING TO REGISTER TO VOTE?

No. Even the postage is free.

6. HOW DO I FIND WHERE TO VOTE?

- The county election official will send you a “sample ballot/voter information guide. This guide contains a wealth of useful information, including an application form for an absentee ballot, a description of how to use voting equipment, and the location of your polling place.
- You can also find your polling place by visiting the “smartvoter.org” web site, or by calling your county election office.

7. HOW TO USE VOTING EQUIPMENT

- Not every county uses the same voting equipment. If you have never voted before, or if you want to check to see if you are familiar with the voting equipment in your county, your sample ballot will include information on operating the voting equipment, there will be someone at the polling place who can demonstrate the equipment for you, or you can go to the SmartVoter web site.

- Most counties will also be very pleased to arrange to bring real voting equipment to your classroom before an election and demonstrate how it is used.

8. VOTE BY MAIL

- Any voter can apply for what is called an “absentee ballot.” There is an application form in the sample ballot/voter information guide mailed to each voter. You can also write to the county elections official and request one.
- Why do they call it an “absentee ballot?” It used to be that only people who were unable to go to the polling place (sick, out of town on election day, etc.) were eligible to vote by mail --- hence the “absentee” label. The law was changed in 1977, however, to permit any voter to apply for an absentee ballot. Approximately 30% of all votes are now cast by “absentee” voters.
- You can also apply for status as a “permanent absentee voter” so that you will automatically receive a ballot in the mail for each election --- without applying for it. While this is convenient, don’t forget that if you don’t vote your status as a permanent absentee voter may be revoked.

9. HOW DO I FIND OUT ABOUT CANDIDATES AND ISSUES?

- All the answers to this question are correct.

10. WHO DECIDES?

- As a general rule, persons who are 18-24 years of age vote about 20 – 25 percentage points lower than the average. So, if 50% of all registered voters vote, only about 25% of 18-24 year olds cast ballots. You can easily see that this means that older voters are voting above 50%.
- Not true. The “Electoral College” system can sometimes result in the top vote-getter not winning the election. This does not happen often but it last happened in 2000 when Al Gore received more votes than George Bush, but because Mr. Bush won more “electoral votes” he won the presidency.
- True. In California you do not need a “majority” of votes to win, just a “plurality” (whoever gets the most votes wins).

